

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**JAMES FRAZIER, JR.,**  
**Plaintiff,**

**v.**

**ERIC K. SHINSEKI**  
*Secretary of Veterans Affairs,*  
**Defendant.**

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) **2:12-cv-1035**  
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**ORDER OF COURT**

AND NOW, this 22<sup>nd</sup> day of December, 2014, IF IS FURTHER ORDERED that the lead attorneys shall appear in person at the settlement conference with the parties having full authority to evaluate, negotiate, and settle the case on any and all terms.

On or before **December 30, 2014**, each party shall deliver to Judge McVerry's Chambers a confidential settlement statement, which is not to be filed with the Clerk of Courts, nor served upon the other party. The statement may be provided by fax to Chambers at (412) 208-7497. The confidential settlement conference statement shall include the following:

1. A brief statement of the key facts of the case;
2. A brief statement of the claims and defenses, including forthright evaluation of the parties' likelihood of prevailing on the claims and defenses, and a description of the major issues in dispute;
3. An estimate of the cost and time to be expended going forward through trial;
4. The relief sought;
5. The party's position on settlement, including present demands and offers and history of past settlement discussions, offers, and demands;
6. Any other evidence, including depositions or trial exhibits that counsel believes would be useful in analyzing the case; and,

7. The name and title of each party representative who will attend the mediation, including a brief summary explaining his/her relation to the case.

Total candor is expected. The contents of the confidential settlement conference statements will not be disclosed by the Court.

BY THE COURT:

s/Terrence F. McVerry  
United States District Judge

cc: **Vincent J. Mersich, Esquire**  
Email: [vincent.mersich@outlook.com](mailto:vincent.mersich@outlook.com)

**Jennifer R. Andrade, Esquire**  
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